

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

NEW YORK STATE FIREARMS ASSOCIATION,  
GEORGE BORRELLO, DAVID DIPIETRO,  
WILLIAM ORTMAN, and AARON DORR,

**NOTICE OF APPEARANCE**

Plaintiffs,

23-CV-6524 (FPG)

-vs-

DOMINICK L. CHIUMENTO, in his official capacity  
as Acting Superintendent of the New York State Police.<sup>1</sup>

Defendants.

---

**PLEASE TAKE NOTICE** that Letitia James, Attorney General of the State of New York, by Heather L. McKay, Assistant Attorney General, of counsel, 144 Exchange Boulevard, Suite 200, Rochester, New York 14614, makes a limited appearance as Attorney for the defendant, Dominick L. Chiumento, in his official capacity as Acting Superintendent of the New York State Police (“Defendant”), in the above-captioned action, for the purpose of responding to the motion for preliminary injunction as ordered by this Court, subject to jurisdictional and service-related defenses, in the above captioned Action.

Defendant requests that all communications and filings be served upon their Attorney, Letitia James, Attorney General of the State of New York, by Heather McKay, Assistant Attorney General, of counsel, electronically at [heather.mckay@ag.ny.gov](mailto:heather.mckay@ag.ny.gov) or by mail at 144 Exchange Boulevard, Suite 200, Rochester, New York 14614.

Dated: October 13, 2023

LETITIA JAMES  
Attorney General of the State of New York

---

<sup>1</sup> Although retired Superintendent of the New York State Police Nigrelli was initially named as defendant in this matter, Plaintiff’s claims against him in his official capacity automatically transfer to Acting Superintendent Chiumento as his successor. See Williams v. Annucci, 895 F.3d 180, 187 (2d Cir. 2018). Defendant respectfully requests that the caption be updated accordingly.

*Attorney for Defendant*

*s/Heather L. McKay*

HEATHER L. MCKAY

Assistant Attorney General of Counsel

NYS Office of the Attorney General

144 Exchange Boulevard, Suite 200

Rochester, New York 14614

Telephone:(585) 546-7430

Heather.mckay@ag.ny.gov

### CERTIFICATE OF SERVICE

I certify that on October 13, 2023, I electronically filed the foregoing Limited Notice of Appearance on behalf of defendants with the Clerk of the District Court using CM/ECF system, which sent notification of such filing to the following:

1. Benjamin T. Barr  
Barr & Klein PLLC  
444 N. Michigan Avenue  
Suite 1200  
Chicago, IL 60611  
202-595-4671
2. Ginger D. Schroder  
Schroder, Joseph & Associates, LLP  
394 Franklin Street  
2nd Floor  
Buffalo, NY 14202  
(716) 863-4000  
Fax: 716-881-4909  
Email: gschroder@sjalegal.com
3. Linda H. Joseph  
Schroder, Joseph & Associates, LLP  
394 Franklin Street  
2nd Floor  
Buffalo, NY 14202  
716-881-4900  
Fax: 716-881-4902  
Email: ljoseph@sjalegal.com
4. Stephen R. Klein  
Barr & Klein PLLC  
1629 K Street NW  
Suite 300  
Washington, DC 20006  
202-804-6676

LETITIA JAMES  
Attorney General of the State of New York  
*Attorney for Defendant*  
*s/ Heather L. McKay*  
HEATHER L. MCKAY  
Assistant Attorney General of Counsel  
NYS Office of the Attorney General  
144 Exchange Boulevard, Suite 200  
Rochester, New York 14614  
Telephone: (585) 546-7430

Heather.mckay@ag.ny.gov